

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 223 be amended to read as follows:

1 Page 1, between lines 11 and 12, begin a new paragraph and insert:
2 "SECTION 2. IC 34-6-2-46.7 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 46.7. "Firearm", for
4 purposes of **IC 34-28-7 and** IC 34-30-20, has the meaning set forth in
5 IC 35-47-1-5.

6 SECTION 3. IC 34-6-2-49 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 49. (a) "Governmental
8 entity", for purposes of section 91 of this chapter, IC 34-13-2,
9 IC 34-13-3, and IC 34-13-4, means the state or a political subdivision
10 of the state.

11 **(b) "Governmental entity", for purposes of section 103(j) of this**
12 **chapter, means the state or a political subdivision of the state.**

13 SECTION 4. IC 34-6-2-103 IS AMENDED TO READ AS
14 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 103. (a) "Person", for
15 purposes of IC 34-14, has the meaning set forth in IC 34-14-1-13.

16 (b) "Person", for purposes of IC 34-24-4, means:

- 17 (1) an individual;
18 (2) a governmental entity;
19 (3) a corporation;
20 (4) a firm;
21 (5) a trust;
22 (6) a partnership; or
23 (7) an incorporated or unincorporated association that exists
24 under or is authorized by the laws of this state, another state, or a

- 1 foreign country.
- 2 (c) "Person", for purposes of section 44.8 of this chapter, means an
- 3 adult or a minor.
- 4 (d) "Person", for purposes of IC 34-26-4, has the meaning set forth
- 5 in IC 35-41-1-22.
- 6 (e) "Person", for purposes of IC 34-30-5, means any of the
- 7 following:
- 8 (1) An individual.
- 9 (2) A corporation.
- 10 (3) A partnership.
- 11 (4) An unincorporated association.
- 12 (5) The state (as defined in IC 34-6-2-140).
- 13 (6) A political subdivision (as defined in IC 34-6-2-110).
- 14 (7) Any other entity recognized by law.
- 15 (f) "Person", for purposes of IC 34-30-6, means an individual, a
- 16 corporation, a limited liability company, a partnership, an
- 17 unincorporated association, or a governmental entity that:
- 18 (1) has qualifications or experience in:
- 19 (A) storing, transporting, or handling a hazardous substance or
- 20 compressed gas;
- 21 (B) fighting fires;
- 22 (C) emergency rescue; or
- 23 (D) first aid care; or
- 24 (2) is otherwise qualified to provide assistance appropriate to
- 25 remedy or contribute to the remedy of the emergency.
- 26 (g) "Person", for purposes of IC 34-30-18, includes:
- 27 (1) an individual;
- 28 (2) an incorporated or unincorporated organization or association;
- 29 (3) the state of Indiana;
- 30 (4) a political subdivision (as defined in IC 36-1-2-13);
- 31 (5) an agency of the state or a political subdivision; or
- 32 (6) a group of such persons acting in concert.
- 33 (h) "Person", for purposes of sections 42, 43, 69, and 95 of this
- 34 chapter, means an individual, an incorporated or unincorporated
- 35 organization or association, or a group of such persons acting in
- 36 concert.
- 37 (i) "Person", for purposes of IC 34-30-10.5, means the following:
- 38 (1) A political subdivision (as defined in IC 36-1-2-13).
- 39 (2) A volunteer fire department (as defined in IC 36-8-12-2).
- 40 (3) An employee of an entity described in subdivision (1) or (2)
- 41 who acts within the scope of the employee's responsibilities.
- 42 (4) A volunteer firefighter (as defined in IC 36-8-12-2) who is
- 43 acting for a volunteer fire department.
- 44 (5) ~~After March 31, 2002,~~ A corporation, a limited liability
- 45 company, a partnership, an unincorporated association, or any
- 46 other entity recognized by law.

(j) "Person", for purposes of IC 34-28-7, means:

- (1) an individual;
- (2) a governmental entity;
- (3) a corporation;
- (4) a firm;
- (5) a trust;
- (6) a partnership; or
- (7) an incorporated or unincorporated association that exists under or is authorized by the laws of this state, another state, or a foreign country.

SECTION 5. IC 34-6-2-140 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 140. "State":

- (1) for purposes of **section 49(b) of this chapter and** IC 34-13-3, means Indiana and its state agencies; and
- (2) for purposes of sections 48.5 and 71.7 of this chapter and IC 34-26-5, has the meaning set forth in IC 1-1-4-5."

Page 2, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 7. IC 34-28-7 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 7. Possession of Firearms in Locked Vehicles

Sec. 1. This chapter applies only to possession of a firearm by an individual who may legally possess a firearm.

Sec. 2. (a) Notwithstanding any other law and except as provided in subsection (b), a person may not adopt or enforce a policy or rule that:

- (1) prohibits; or
- (2) has the effect of prohibiting;

an individual from possessing a firearm that is locked in the individual's vehicle while the vehicle is in or on the person's property.

(b) Subsection (a) does not prohibit the adoption or enforcement of a policy or rule that prohibits, or has the effect of prohibiting, an individual from possessing a firearm:

- (1) in or on school property, in or on property that is being used by a school for a school function, or on a school bus in violation of IC 20-33-8-16 or IC 35-47-9-2;

- (2) on the property of:

- (A) a child caring institution;
- (B) an emergency shelter care child caring institution;
- (C) a private secure facility;
- (D) a group home; or
- (E) an emergency shelter care group home;

in violation of 465 IAC 2-9-80, 465 IAC 2-10-79, 465 IAC 2-11-80, 465 IAC 2-12-78, or 465 IAC 2-13-77;

- (3) on the property of a penal facility (as defined in IC 35-41-1-21);

- (4) in violation of federal law; or
- (5) in or on property belonging to an approved postsecondary educational institution (as defined in IC 21-7-13-6(b)).

Sec. 3. (a) An individual may bring a civil action to enforce section 2 of this chapter.

(b) If a person violates section 2 of this chapter, the court, in an action brought under subsection (a), may do the following:

(1) Award:

(A) actual damages; and

(B) court costs and attorney's fees;

to the prevailing individual.

(2) Enjoin further violations of this chapter.

Sec. 4. This chapter does not limit a person's rights or remedies under any other state or federal law.

Sec. 5. A person is not liable for any injury or damage resulting from the person's compliance with section 2 of this chapter."

Renumber all SECTIONS consecutively.

(Reference is to ESB 223 as printed April 7, 2009.)

Representative Messmer